

**3UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ENJOI TRANSPORTATION, LLC and  
PAULETTE HAMILTON,

Plaintiffs,

vs.

CITY OF DETROIT, TRANSDEV  
SERVICES, INC., MARTIN MOORE, in  
his official and individual capacity, and  
DAN DIRKS, in his official and individual  
capacity,

Defendants.

**CASE NO. 2:17-CV-13052**

**HON. ROBERT H. CLELAND**

**MAG. R. STEVEN WHALEN**

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**STIPULATION FOR ENTRY OF PROTECTIVE ORDER  
COVERING CERTAIN DOCUMENTS PRODUCED BY THE PARTIES**

**IT IS STIPULATED** by and between Plaintiffs, Enjoi Transportation, LLC and Paulette Hamilton, and Defendants, City of Detroit, Transdev Services, Inc., Martin Moore, and Dan Dirks, who appear by signature of their counsel below, that the Court may enter the attached Protective Order Covering Certain Documents Produced by the Parties.

/s/ Felicia Duncan Brock (w/consent)

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Dated: April 30, 2018

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**PROTECTIVE ORDER COVERING CERTAIN  
DOCUMENTS PRODUCED BY THE PARTIES**

Upon reading the attached Stipulation for Entry of Protective Order Covering Certain Documents Produced by the Parties, and the Court being fully advised in the premises, **IT IS ORDERED AS FOLLOWS:**

1. When used in this Order, the word “documents” means all documents and electronically stored information produced by the parties that bear the notation “Confidential–Produced Pursuant to Protective Order” or are otherwise produced pursuant to the terms of this Order.

2. All documents, as that term is defined by paragraph 1 above, shall be used solely for the prosecution or defense of this matter and shall not be used in any other litigation or any other judicial or administrative proceeding.

3. Except as provided in paragraph 4 below, no document subject to this Order or any information contained therein may be made public or otherwise disclosed to any persons other than:

- a. The Court;
- b. Counsel of record for the parties;
- c. Secretaries, legal assistants, and other employees of counsel of record assisting counsel in the prosecution or defense of this matter;
- d. The parties, and those employees of the parties who are assisting the parties and/or counsel of record in the prosecution or defense of this matter;
- e. Lay witnesses who are deposed and/or testify at the trial of this

matter, but only during preparation for their testimony and/or during their testimony. Lay witnesses shall not be permitted to retain any document subject to this Order or any information contained therein; and

- f. Experts retained by counsel of record to assist in the prosecution or defense of this matter, but only if the expert signs the attached Consent Agreement. It is the responsibility of counsel for the party making the disclosure to the expert to obtain the Consent Agreement from each such expert before making the disclosure and to provide opposing counsel with a copy of the Agreement upon request.

4. Documents subject to this Order, and any information contained therein, do not lose their protected status if used in any judicial proceeding or alternative dispute resolution proceeding in this matter. However, the parties shall take all steps reasonably necessary to protect the confidentiality of the documents and/or information during such use.

5. This Order does not authorize the filing of any documents or other matter under seal. Documents or other matter may be sealed only if authorized by statute, rule, or order of the Court. A party seeking to file such items under seal shall file and serve a motion or submit a proposed stipulated order that sets forth:

- i. the authority for sealing;
- ii. an identification and description of each item proposed for sealing;
- iii. the reason that sealing each item is necessary;
- iv. the reason that means other than sealing are not available or unsatisfactory to preserve the interest advanced by the movant in support of sealing;

v. a memorandum of legal authority supporting sealing.

*See* Local Rule 5.3. A party shall not file or otherwise tender to the Clerk any item proposed for sealing unless the Court has granted the motion or entered the proposed stipulated order required by this section.

Whenever a motion to seal is filed, the movant shall comply with the requirements of Local Rule 5.3 set forth above and submit a proposed order which states the particular reason the sealing is required. The proposed order shall be submitted to the undersigned District Judge or to the Magistrate Judge to whom the matter is referred, via the link located under the “Utilities” section of CM/ECF. If a motion to seal is granted, the documents to be filed under seal shall be filed electronically by the movant with an appropriate designation that the documents are to be held under seal.

6. Whenever a party objects to the designation of a document as confidential, it may apply to the Court for a ruling that the document shall not be so treated, giving notice to the party producing the document. Until this Court enters an Order changing the designation, the document shall be given the confidential treatment initially assigned to it and provided for in this Order. The burden at all times remains with the party claiming a “confidential” designation to establish by a preponderance of the evidence that the document or information contained therein should be considered “confidential”.

7. This Order shall not be construed to waive any objections to the admissibility, privileges, or defenses available to the parties regarding any documents produced by the parties under this Order, and the parties expressly reserve same.

8. To the extent any documents produced by a party include a disciplinary report, letter of reprimand, or other disciplinary action issued or taken by the party against an employee or former employee, this Order shall be construed to satisfy the requirement of Section 506(3)(b) of the Bullard-Plawecki Employee Right to Know Act, MCL §423.506(3)(b) that the disclosure be ordered in this legal action.

9. The parties agree that within twenty-one (21) days after the final disposition of this matter, any documents or information subject to this Order that a party received from the other party, including all copies, shall be returned to the producing party's counsel or destroyed by the other party, as counsel may agree, including any documents provided to the persons identified in subparagraphs 3(b) through (f). Under no circumstances shall any party retain a copy, in any form, of any documents or information produced by the other party pursuant to the terms of this Order.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: April 30, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 30, 2018, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(810) 292-6522



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**CONSENT AGREEMENT TO BE  
BOUND BY PROTECTIVE ORDER**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

\_\_\_\_\_, being first duly sworn, deposes and says:

I have read and understand the Protective Order Covering Certain Documents Produced by the Parties (the “Order”) that the Court has entered in this matter. Under penalty of contempt, I agree to be bound by the Order. I also agree that:

(1) I will make no further disclosure of any documents designated by the parties to be subject to the Order, or any information contained therein, and I will protect the confidentiality of all such documents and information.

(2) I will destroy or return all such documents and any copies to the attorney who gave them to me within twenty-one (21) days after the final disposition of this matter.

(3) I consent to the personal jurisdiction of the United States District Court for the Eastern District of Michigan, Southern Division, for any and all purposes relating to the enforcement of the Order and this Consent Agreement.

\_\_\_\_\_

Subscribed and sworn to before me on  
this \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_:

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Notary Public